

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 29 of 1984

Date of decision: 15-10-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHANDRAKANT R MEHTA

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioners

Ms. Siddhi Talati for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/10/97

ORAL JUDGEMENT

The matter was called out for hearing in the first round, second round and lastly in the third round. None put appearance for the petitioner. Perused the special civil application, and heard the learned counsel for the respondents.

2. The petitioner, since deceased, now represented by his legal heirs prayed for direction to the respondents to give him the pay-scale of Rs.440-750 with effect from 1-1-1973 under the Gujarat Civil Services (Revised Pay) Rules, 1975. Under the said Rules, two pay-scales namely, Rs.440-750 and Rs.350-600 have been laid down for trained and untrained graduate teachers. The petitioner was admittedly an untrained graduate teacher and as such he was only entitled to the pay scale of Rs.350-600 and that pay-scale has been given to him. His claim for the pay-scale of Rs.440-750 effective from 1-1-1973 does not stand to any merits. The petitioner has otherwise also not challenged the validity of the said Rules which have been framed under Article 309 of the Constitution of India. When the pay-scales are prescribed under the rules framed under Article 309 of the Constitution, these are statutory pay-scales and unless the rules are challenged, otherwise also the claim of the petitioner cannot be accepted. It is now no more res integra that for a post two different pay-scales can be prescribed on the basis of qualifications. Reference in this respect may be made to the decision of the apex court in the case of Shyam Babu Varma vs. Union of India, reported in 1994 (2) SCC 52.

3. In the result this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted earlier stands vacated. No order as to costs.

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